

MEMORANDUM

Agenda Item No. 7(K)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE:

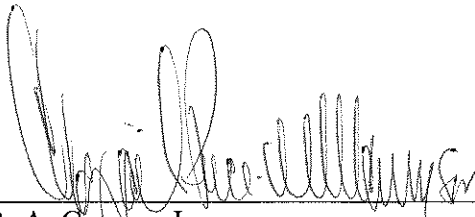
(Second Reading 12-4-12)
October 23, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending the
Code to require District
Commissioner consent to
proposed annexations of areas
within the boundaries of the
Commissioner's District;
deleting as obsolete certain
portions of Code Section 20-
4.1

The substitute ordinance differs from the original item in that the substitute corrects a scrivener's error in the title; states that in proposed annexations which span more than one County Commission district, the petitioners or proposers may remove an area from the proposed annexation when the District Commissioner has not consented in writing to the annexation of that area, while still seeking annexation of the remainder of the area, as long as affected District Commissioners have filed the required consent; and expressly states that this ordinance will apply to annexation petitions or proposals which have been initiated prior to the effective date of the ordinance.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney


RAC/jls

Memorandum



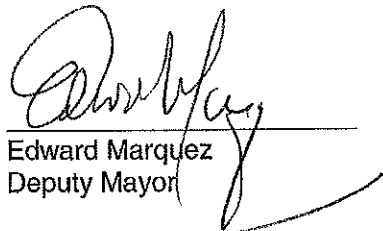
Date: December 4, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Requiring District Commissioner Consent to Proposed Annexations

The proposed ordinance requires that prior to the filing of any annexation proposal or petition, each County Commissioner whose district is impacted, must provide a written consent for consideration to the Clerk of the Board. The implementation of this ordinance will not have a fiscal impact to the County.


Edward Marquez
Deputy Mayor

Fis9612



MEMORANDUM

(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 4, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(K)

Please note any items checked.

- ☒ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(K)
12-4-12

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF MIAMI-DADE COUNTY TO REQUIRE DISTRICT COMMISSIONER CONSENT TO PROPOSED ANNEXATIONS OF AREAS WITHIN THE BOUNDARIES OF THE COMMISSIONER'S DISTRICT; DELETING AS OBSOLETE CERTAIN PORTIONS OF CODE SECTION 20-4.1; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, making decisions about annexing an unincorporated area can be complex and include such considerations as possible increases or changes in property tax rates, future land planning and zoning decisions, evaluation of services to be provided if the area is to be annexed, preferences of constituents, and concerns regarding neighborhood cohesiveness, among other factors; and

WHEREAS, annexations should only be considered with the support of a district commissioner who has broad-based specialized knowledge of the district and its preferences and is in a position to lend his or her knowledge of the area in evaluating a proposed annexation >>;
and

WHEREAS, District Commissioners are accorded great deference in the incorporation process, in that if a Municipal Advisory Committee ("MAC") is created by the Board with study areas outside of the boundaries of the sponsoring Commissioner, those areas outside of the boundaries shall automatically be excluded from consideration by such committee, unless the District Commissioner consents to inclusion of the area by filing a written memorandum with the Clerk of the Board of County Commissioners, pursuant to Section 20-29 of the Code of Miami-Dade County; and

WHEREAS, this same level of deference should be accorded District Commissioners in considering annexation proposals<<¹,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 20-4.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:²

Sec. 20-4.1. ~~[[Exception to filing and consideration of requests for annexation.]]>>~~Exception to Processing and Consideration of Annexation Proposals or Petitions.<<

~~[[Notwithstanding anything in this article to the contrary, no annexation request shall be filed, nor shall any filed request be heard, considered, or approved, pursuant to Section 20-7 or Section 20-8 by the Board of County Commissioners, prior to December 1, 1998, except upon a prior two-thirds (2/3) vote of the membership of the County Commission to allow such filing, hearing, consideration or approval.]]>>~~Notwithstanding any provision of the Code to the contrary, no proposal or petition to annex a part of the unincorporated area shall be filed, reviewed or processed by staff or the Clerk of the Board or considered by the Planning Advisory Board or the Board of County Commissioners, unless each County Commissioner whose district is wholly or partially contained in the boundaries of the area proposed to be annexed consents to consideration of the proposed annexation. Such consent shall be in writing and filed with the Clerk of the Board of County Commissioners. Nothing herein prevents modification of a proposal or petition for annexation to exclude areas for which a written consent by a district commissioner is not filed.

¹ The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

² Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< shall be added. Remaining provisions are now in effect and remain unchanged.

This section applies to annexation proposals or petitions which are pending as of the effective date of this section, as well as such proposals or petitions made or filed in the future.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Cynthia Johnson-Stacks
Craig Coller

Prime Sponsor: Sen. Javier D. Souto

APW
CJS/CX